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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,411	01/23/2004	Craig A. Wilensky	B-7258	4554

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EXAMINER

NGUYEN, KIMBERLY D

ART UNIT	PAPER NUMBER
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2876

MAIL DATE	DELIVERY MODE
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05/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary

Application No.

10/763,411

Applicant(s)

WILENSKY, CRAIG A.

Examiner

Kimberly D. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16-21, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-21, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Acknowledgment is made of Amendment and Request for Continued

Examination filed December 26, 2006.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-12, 14, 16-21, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman et al (US 6,189,788; hereinafter "Sherman") in view of Collins, Jr. (US 5,149,947) and Cox (US 6,378,684).

Re claims 1-2, 6-12, 16, 18-21 and 23: Sherman et al teaches a device for performing a task at a point of activity, comprising

a movable cart (shopping cart 164 in fig. 8; column 10, line 51 through column 11, line 5);

a computing device (10 in figs. 1, 4, and 10) connected to the movable cart and operably linked to a mobile power supply (133, 171 in fig. 10; column 11, lines 6-26; column 6, lines 64-66);

a barcode scanner (75 in fig. 2) operably linked to a barcode receiver on the movable cart (column 7, lines 3-24; column 5, lines 25-29; column 6, lines 14-17); and

a printer (83, 81 in fig. 10) for printing barcodes (column 8, lines 11-15).

Sherman does not specifically teach the mobile power supply is configured and arranged so as to output a voltage lying in a predetermined range for a standard AC voltage and wherein the computing device and peripherals thereof are configured so as to be powered by the standard AC voltage.

Collins, Jr. teaches incorporating the AC voltage (cable 64, electrical outlet 66) for supplying the power to the computing device (figs. 2-3; column 3, lines 21-61); wherein the electrical-outlet-66/cable-64 is inherently a stationary/fixed source/components for supporting/supplying AC voltage.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the AC voltage for supplying the power to the computing device to the teachings of Sherman due to the fact that if the internal rechargeable battery(s) are depleted/damaged one can still transport the computing device to an electrical outlet and complete his/her transaction. Accordingly, such modification could provide Sherman et al with an alternative means for powering the computing device.

Although, Collins, Jr. teaches the AC power supply 64 is stationary/fixed as shown in figures 2-3.

Sherman in view of Collins, Jr. fails to specifically teach the power supply is mobile.

As shown in figure 4 column 8 lines 7-40 (particularly lines 14-27), Cox teaches a portable battery 58 having the power interface 61, which has the capability of converting

low voltage high amperage direct current into an appropriate standard AC voltage and current suitable for operating the system components, such as controller 62.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the portable/mobile power supply having a capability of AC voltage/power converting as taught by Cox to the teaching of Sherman in view of Collins, Jr. in order to conveniently provide AC voltage/power to the system component, such as the controller 62 (column 8 lines 14-27).

Furthermore, making the power supply portable/mobile is not sufficient by itself for patentability. See MPEP 2144.04(V). *In re Lindberg*, 194 F.2d 732, 93 USPQ 23 (CCPA 1952).

In re Lindberg, 194 F.2d 732, 93 USPQ 23 (CCPA 1952) (Fact that a claimed device is portable or movable is not sufficient by itself to patentably distinguish over an otherwise old device unless there are new or unexpected results.).

Re claim 3: Sherman teaches the portable computing device 10 is a RF portable computer (column 5, lines 16-29), which is a wireless handheld computer.

Re claims 5 and 14: Sherman et al teaches a back plate 168 that receives the computing device wherein the back plate is tiltably mounted on the movable cart (fig. 9; column 11, lines 1-5).

Re claims 17 and 24: Sherman et al teaches the DC power source is one or more rechargeable type of batteries (133, 171 in fig. 10; column 11, lines 6-26).

4. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman as modified by Collins, Jr. and Cox as applied to claim 1 above, and further in view of Sturr, Jr. (US 2004/0143512 A1).

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The teaching of Sherman as modified by Collins, Jr. and Cox has been discussed above.

Sherman as modified by Collins, Jr. and Cox fails to specifically teach the computing device 10 is a wireless 802.11b computer.

Sturr, Jr. teaches a plurality of store servers in order to create total corporate information on all sold items from all stores, or for a single store sales using a wireless network such as a network operating on 802.11b protocol for communication (paragraph 26).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the wireless 802.11b network protocol as taught by Sturr, Jr. to the teachings of Sherman as modified by Collins, Jr. and Cox in order to provide a secure, fast and latest wireless Ethernet communication technology.

Response to Arguments

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection under Sherman, Collins, Jr., Cox, and Sturr, Jr. as set forth above.

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KDN

Kimberly D Nguyen
Primary Examiner
Art Unit 2876

